

Daniel C. Girard (pro hac vice)  
 Jordan Elias (pro hac vice)  
 Tom Watts (pro hac vice)  
**GIRARD SHARP LLP**  
 601 California Street, Suite 1400  
 San Francisco, California 94108  
 Telephone: (415) 981-4800  
 Facsimile: (415) 981-4846  
 dgirard@girardsharp.com  
 apolk@girardsharp.com  
 jelias@girardsharp.com  
 tomw@girardsharp.com

Interim Co-Lead Counsel

[Additional Counsel listed on signature page]

Eric Gibbs (pro hac vice)  
 David K. Stein (pro hac vice)  
 Kyla Gibboney (pro hac vice)  
**GIBBS LAW GROUP LLP**  
 1111 Broadway, Suite 2100  
 Oakland, CA 94607  
 Telephone: (510) 350-9700  
 Facsimile: (510) 350-9701  
 ehg@classlawgroup.com  
 ds@classlawgroup.com  
 kjg@classlawgroup.com

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

In re J&J Investment Litigation

Case No. 2:22-cv-00529-GMN-NJK

Assigned for All Purposes to:  
 Hon. Gloria M. Navarro

GEOFF WINKLER, as court-appointed  
 receiver for J&J Consulting Services, Inc.,  
 an Alaska corporation; J&J Consulting  
 Services, Inc., a Nevada corporation, and  
 J and J Purchasing LLC, Florida limited  
 liability company,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,  
 Defendant.

Case No. 2:23-cv-00703-APG-NJK

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER  
 REGARDING DISCOVERY  
 COORDINATION AND CASE  
 SCHEDULE**

**(SECOND REQUEST)**

Plaintiffs Barrett Henzel, Allan Carso, Gary Lundin, Joshua Luekenga, Craig Rodney Michaelis, Bryce Kelly, Clint McDaniel, and Dan Michael (collectively, “Class Plaintiffs”); Plaintiff Geoff Winkler, as court-appointed receiver for J&J Consulting Services, Inc., J&J Consulting Services, Inc., and J and J Purchasing LLC (“Receiver”; with the Class Plaintiffs, “Plaintiffs”); and Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) (collectively, the “Parties”) hereby stipulate as

**STIPULATION REGARDING DISCOVERY COORDINATION AND CASE SCHEDULE**

Case No. 2:22-cv-00529-GMN-NJK

Case No. 2:23-cv-00703-APG-NJK

1 follows:

2 WHEREAS, on May 4, 2023, the Receiver filed a complaint against Wells Fargo (the  
3 “Receiver Action”);

4 WHEREAS, the Receiver Action involves allegations, claims, and theories of liability similar  
5 to those in *In re J&J Investment Litigation*, No. 2:22-cv-00529-GMN-NJK (D. Nevada) (the “Class  
6 Action”; with the Receiver Action, the “Actions”), including allegations that: Matthew Beasley ran  
7 a massive Ponzi scheme centered in Las Vegas, Nevada, Wells Fargo was allegedly aware of  
8 Beasley’s tortious conduct, and Wells Fargo allegedly accepted deposits and processed transactions  
9 that substantially assisted the scheme;

10 WHEREAS, the Parties anticipate that discovery will substantially overlap between the two  
11 Actions;

12 WHEREAS, in the absence of coordination, certain witnesses deposed in the Class Action  
13 may need to be deposed again in the Receiver Action, leading to duplication of effort and increasing  
14 overall discovery cost;

15 WHEREAS, to minimize burdens on the Court and the Parties, the Parties propose to  
16 coordinate discovery between the cases to the extent practicable in order to avoid the unnecessary  
17 expenditure of time, effort, and expense by the parties, courts, and witnesses associated with  
18 duplicative discovery, *see* Manual Complex Lit. § 10.22 (4th ed.) (“Traditional procedures in which  
19 . . . each attorney files motions, presents arguments, and examines witnesses, may waste time and  
20 money, confuse and misdirect the litigation, and burden the court unnecessarily. Instituting special  
21 procedures for coordination of counsel early in the litigation will help to avoid these problems.”);

22 WHEREAS, the parties to the Class Action have completed an initial deposition, but propose  
23 to defer additional depositions of party witnesses for approximately 30 days to allow for Wells  
24 Fargo’s expedited production and review of documents in the possession of the Receiver and the  
25 Receiver’s expedited production and review of documents in the possession of Wells Fargo, pursuant  
26 to agreements among the parties, thereby giving the parties to the Receiver Action the opportunity  
27 to participate in depositions in the Class Action on a coordinated basis;

WHEREAS, during the 30-day time period when the Receiver and Wells Fargo exchange documents, the Parties will only be holding party depositions in abeyance so that the Receiver might participate in those depositions, and the Parties in the Class Action will continue with written discovery, the production of documents and any third party depositions agreed to by all parties;

WHEREAS, the parties respectfully submit that good cause exists to modify the case schedule by extending all deadlines by 30 to 40 days as set forth in the chart below, because absent modification, certain witnesses may need to be deposed twice, and other discovery may need to be duplicated, wasting the resources of the Parties and the Court;

WHEREAS, the parties respectfully submit that the good cause for the proposed modification to the schedule exists, in that the changes will expedite resolution of the Receiver Action, further the efficient adjudication of both actions, avoid possible motion practice, and eliminate the potential prejudice and added expense associated with duplicative discovery;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the Parties by and through their counsel, subject to the Court's approval, that:

1. On an agreed date, all documents and written discovery previously produced by Wells Fargo in the Class Action will be reproduced to the Receiver and the Receiver will likewise produce to Wells Fargo the categories of documents agreed to by the Receiver and Wells Fargo in a letter dated May 30, 2023.
2. Wells Fargo will be permitted to take up to 20 depositions, excluding expert depositions.
3. Class Plaintiffs and the Receiver, collectively, will be permitted to take up to 20 depositions, excluding expert depositions. If either Class Plaintiffs or the Receiver notices a deposition, it will count towards the 20 deposition limit even if either Class Plaintiffs' counsel or the Receiver's counsel does not attend.
4. Expert depositions will not count toward any party's 20 fact witness deposition limit.
5. No witness shall be deposed more than once, absent agreement of all parties or by order of the Court.

6. Deposition notices shall be served on all parties in the Receiver Action and the Class Action, and testimony shall be admissible to the same extent in either action.
7. Depositions shall be limited to 7.5 hours. Receiver counsel and Class counsel will allocate time for questioning by mutual agreement.
8. Wells Fargo and the Receiver agree to a limited waiver of Fed. R. Civ. P. 26(d)(1)'s requirement that no discovery be propounded prior to the Rule 26(f) conference. However, discovery in the Receiver Action will otherwise proceed normally under the Federal Rules of Civil Procedures and Local Rules.
9. The Receiver and Wells Fargo stipulate and agree that this stipulation will not be deemed a waiver of any of Wells Fargo's defenses, or Wells Fargo's right to move to dismiss the Receiver's Complaint, or right to move for a stay of discovery other than the discovery set forth above.
10. In the Receiver Action, Wells Fargo and the Receiver will file a protective order substantively identical to the one entered by the Court in the Class Action to govern the use of confidential information.
11. Case deadlines in the Class Action will be extended as shown below:

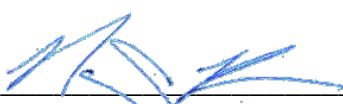
	Current Deadline	New Deadline
1. Fact Discovery Cutoff	August 29, 2023	October 6, 2023
2. Fed. R. Civ. P. 26(a)(2) Expert Disclosures	July 31, 2023	September 7, 2023
3. Rebuttal Expert Disclosures	August 29, 2023	October 6, 2023
4. Expert Discovery Cut-off	September 28, 2023	November 6, 2023
5. Plaintiffs' Motion for Class Certification Deadline	October 9, 2023	November 15, 2023
6. Defendant's Deadline to Respond to Motion for Class Certification	November 8, 2023	December 22, 2023
7. Dispositive Motions Deadline	January 18, 2024	February 23, 2024
8. Joint Pretrial Order	February 20, 2024	March 30, 2024
9. Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures	February 20, 2024	March 30, 2024

**IT IS SO STIPULATED.**

Dated: May 30, 2023

**IT IS SO ORDERED.**

Dated: June 27, 2023

  
 \_\_\_\_\_  
 Nancy J. Koppe  
 United States Magistrate Judge

By: /s/ Joseph G. Went

Joseph G. Went, Esq.  
Nevada Bar No. 9220  
Sydney R. Gambee  
Nevada Bar No. 14201  
**HOLLAND & HART LLP**  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, NV 89134  
Phone: 702.669.4600  
Fax: 702.669.4650  
jgwent@hollandhart.com  
srgambee@hollandhart.com

By: /s/ K. Issac deVyver

K. Issac deVyver, Esq.  
(Admitted Pro Hac Vice)  
Alicia A. Baiardo, Esq.  
(Admitted Pro Hac Vice)  
Anthony Q. Le, Esq.  
(Admitted Pro Hac Vice)  
**MCGUIREWOODS**  
1800 Century Park East, 8th Floor  
Los Angeles, CA 90067  
Phone: 310.315.8200  
Fax: 310.315.8210  
KdeVyver@mcguirewoods.com  
ABaiardo@mcguirewoods.com  
ALe@mcguirewoods.com  
  
*Attorneys for Wells Fargo Bank, N.A.*

By: /s/ Daniel C. Girard

Daniel C. Girard, Esq.  
(Admitted Pro Hac Vice)  
Tom Watts, Esq.  
(Admitted Pro Hac Vice)  
**GIRARD SHARP LLP**  
601 California Street, Suite 1400  
San Francisco, California 94108  
Telephone: (415) 981-4800  
Facsimile: (415) 981-4846  
dgirard@girardsharp.com  
tomw@girardsharp.com

By: /s/ David K. Stein

Eric Gibbs (pro hac vice)  
David K. Stein (pro hac vice)  
Kyla Gibboney (pro hac vice)  
**GIBBS LAW GROUP LLP**  
1111 Broadway, Suite 2100  
Oakland, CA 94607  
Telephone: (510) 350-9700  
Facsimile: (510) 350-9701  
ehg@classlawgroup.com  
ds@classlawgroup.com  
kjpg@classlawgroup.com  
  
Emily Beale (pro hac vice)  
**GIBBS LAW GROUP LLP**  
43 W 43rd Street, Suite 52  
New York, NY 10036  
Telephone: (510) 350-9700  
Facsimile: (510) 350-9701  
eb@classlawgroup.com

By: /s/ Robert L. Brace

Robert L. Brace (pro hac vice)  
Maria F. Elosu (pro hac vice)  
**LAW OFFICES OF ROBERT L. BRACE**  
1807 Santa Barbara St.  
Santa Barbara, CA 93101  
Telephone: (805) 886-8458  
rlbrace@rusty.lawyer  
mariaelosulaw@gmail.com  
  
*Interim Co-Lead Counsel*

By: /s/ Miles N. Clark  
Miles N. Clark (NBN 13848)  
**LAW OFFICES OF MILES N. CLARK LLC**  
5510 S. Fort Apache Rd., Suite 30  
Las Vegas, NV 89148-7700  
(702) 856-7430  
miles@milesclarklaw.com

*Liaison Counsel*

/s/ Jarrod L. Rickard  
Jarrod L. Rickard, Bar No. 10203  
Katie L. Cannata, Bar No. 14848  
**SEMENZA KIRCHER RICKARD**  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145

By: /s/ Jason Kellogg  
Jeffrey C. Schneider (pro hac vice)  
Jason K. Kellogg (pro hac vice)  
Marcelo Diaz-Cortes (pro hac vice)  
**LEVINE KELLOGG LEHMAN  
SCHNEIDER + GROSSMAN LLP**  
100 SE 2nd Street  
Miami Tower, 36th Floor  
Miami, FL 33131  
Telephone: (305) 403-8788  
Facsimile: (305) 403-8789  
jcs@lklsg.com  
jk@lklsg.com  
md@lklsg.com

*Counsel for Geoff Winkler, as court-appointed  
receiver*